

REMARKS

Claims 22 to 45 are currently pending.

Reconsideration is respectfully requested based on the following.

With respect to paragraph four (4) of the Office Action, claims 22, 23, 26, 27, 31, 33, 34, 36 and 39-45 were rejected under 35 U.S.C. § 102(b) as anticipated by European Patent 0986209 to "Nakamura"

To anticipate a claim under 35 U.S.C. § 102, a single prior art reference must identically disclose each and every claim feature. See Lindeman Machinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claim feature is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

As regards claims 22 and 41 to 44, while the rejections may not be agreed with, to facilitate matters, these claims have been further clarified to better define their subject matter. No new matter has been added, and these claims, as well as their dependent claims, are supported by the present application, including the specification, and are allowable for at least the following reasons:

The "Nakamura" reference does not identically disclose (or even suggest) the feature which provides for checking the second data in the second processor to **determine if the first data may be processed in the first processor**, as provided for in the context of claim 22, as presented. The "Nakamura" reference generally refers to an authentication system for biometrically identifying a person. The identification information is recorded by a camera and transmitted to a user terminal. The identification information is then transmitted to an authentication server and checked for validity. The result of the check is transmitted back to the user terminal. As a function of a result of the check, use of the terminal is allowed or disallowed. The identification information is not **based on a first data** and is not used to **determine if the first data may be processed** in the first processor.

Accordingly, claim 22 as presented is allowable.

Similarly, claims 41 and 42 include the feature of the second data being checked in the second processor to determine if the first data may be processed in the first processor. Likewise, claims 43 and 44 include the feature of the second processor checking the second data to determine if the first data may be processed in the first processor. Therefore, claims 41 to 44 are allowable for essentially the same reasons as claim 22, as presented.

As further regards claims 23, 26, 27, 31, 33, 34, 36, 39-40 and 45, as presented, these claims depend from claims 22, as presented, and are therefore allowable for at least the same reasons as claim 22, as presented.

With respect to paragraph six (6) of the Office Action, claim 24 was rejected under 35 U.S.C. § 103(a) as obvious over the “Nakamura” reference in view of U.S. Patent 7,003,674 to “Hamlin.”

Claim 24 depends from claim 22, and therefore includes all the features of claim 22. The “Hamlin” reference has not been asserted to overcome the shortcomings of the “Nakamura” reference with respect to claim 22. Therefore, claim 24 is allowable for at least the same reasons as claim 22, as presented.

With respect to paragraph seven (7) of the Office Action, claim 25 was rejected under 35 U.S.C. § 103(a) as obvious over the “Nakamura” reference in view of U.S. Patent 6,704,872 to “Okada.”

Claim 25 depends from claim 22, and therefore includes all features of claim 22. The “Okada” reference has not been asserted to overcome the shortcomings of the “Nakamura” with respect to claim 22. Therefore, claim 25 is allowable for at least the same reasons as claim 22, as presented.

With respect to paragraph eight (8) of the Office Action, claim 28 was rejected under 35 U.S.C. § 103(a) as obvious over the “Nakamura” reference in view of the Handbook of Applied Cryptography to “Manezes et al.” Claim 28 depends from claim 22, and therefore includes all features of claim 22. The “Manezes et al.” reference has not been asserted to overcome the shortcomings of the “Nakamura” with respect to claim 22. Therefore, claim 28 is allowable for at least the same reasons as claim 22, as presented.

With respect to paragraph nine (9) of the Office Action, claims 29 and 30 were rejected under 35 U.S.C. § 103(a) as obvious over the “Nakamura” reference.

Claims 29 and 30 depend from claim 22, and therefore includes all features of claim 22. Therefore, claims 29 and 30 are allowable for at least the same reasons as claim 22, as presented.

With respect to paragraph ten (10) of the Office Action, claim 32 was rejected under 35 U.S.C. § 103(a) as obvious over the “Nakamura” reference in view of U.S. Patent 6,735,699 to “Sasaki”

Claim 32 depends from claim 22, and therefore includes all features of claim 22. The “Sasaki” reference has not been asserted to overcome the shortcomings of the “Nakamura”

with respect to claim 22. Therefore, claim 32 is allowable for at least the same reasons as claim 22, as presented.

With respect to paragraph eleven (11) of the Office Action, claim 35 was rejected under 35 U.S.C. § 103(a) as obvious over the “Nakamura” reference in view of U.S. Patent 4,264,960 to “Gurr.”

Claim 35 depends from claim 22, and therefore includes all features of claim 22. The “Gurr” reference has not been asserted to overcome the shortcomings of the “Nakamura” reference with respect to claim 22. Therefore, claim 35 is allowable for at least the same reasons as claim 22, as presented.

With respect to paragraph twelve (12) of the Office Action, claim 37 was rejected under 35 U.S.C. § 103(a) as obvious over the “Nakamura” reference in view of U.S. Patent 5,790,664 to “Coley” Claim 37 depends from claim 22, and therefore includes all features of claim 22. The “Coley” reference has not been asserted to overcome the shortcomings of the “Nakamura” with respect to claim 22. Therefore, claim 37 is allowable for at least the same reasons as claim 22, as presented.

With respect to paragraph thirteen (13) of the Office Action, claim 38 was rejected under 35 U.S.C. § 103(a) as obvious over the “Nakamura” reference in view of U.S. Patent 6,140,939 to “Flick.”

Claim 38 depends from claim 22, and therefore includes all features of claim 22. The “Flick” reference has not been asserted to overcome the shortcomings of the “Nakamura” with respect to claim 22. Therefore, claim 38 is allowable for at least the same reasons as claim 22, as presented.

Accordingly, claims 22 to 45 are allowable.

CONCLUSION

In light of the foregoing, claims 22 to 45 are allowable. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

Dated: 7/25/2006

By: GA Messina (15y60)

Gerard A. Messina
(Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200

CUSTOMER NO. 26646